

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46099 of 2022

Arising Out of PS. Case No.-110 Year-2022 Thana- SAUR BAZAR District- Saharsa

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AZAD CHAUHAN SON OF NATHO CHAUHAN R/O VILLAGE-
PHARPAR (NEAR TALAB WARD NO.-3), P.S.- ARIYARI, DISTRICT-
SHEIKHPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Lal

For the Opposite Party/s : Mrs. Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-11-2022 Heard the parties.

Learned counsel for the petitioner is directed to remove the defects within four weeks.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016.

Altogether 838.8 litres of illicit liquor is said to have been recovered from a bolero pick up van.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. His name transpired in this case on the basis that he is the owner of the said vehicle. Petitioner has



neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. Although the vehicle belongs to the petitioner but the same was handed over to its driver Mukesh Kumar to transport defective soap from Pharpar to Dhanbad. In para-3 of supplementary affidavit it is also stated that the petitioner was directed to file commercial permit of the vehicle in question by this court vide order dated 21.10.2022. Vide permit no.BR-2021-GP-1909B, the petitioner has been permitted to run the vehicle in question for carrying goods. Petitioner has no criminal antecedent.

Petitioner is agreed to deposit a sum of Rs.25,000.00/- (Rupees Twenty Five Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Saur Bazar P.S. Case No.110 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.25,000.00/- (Rupees Twenty Five Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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